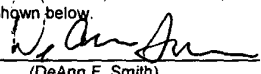




I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 355 384 820 US, in an envelope addressed to: MS Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 15, 2003 Signature: 

(DeAnn F. Smith)

Docket No.: BBI-009C3CN2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hermann Bujard, *et al.*

Application No.: 09/874,389

Confirmation No.: 5305

Filed: June 4, 2001

Art Unit: 1632

For: TRANSGENIC ORGANISMS HAVING  
TETRACYCLINE-REGULATED  
TRANSCRIPTIONAL REGULATORY  
SYSTEMS

Examiner: R. Shukla

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATION CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

MS Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated August 13, 2003. Applicants are submitting their response herewith within the one-month response period set to expire on September 15, 2003.

The U.S. Patent and Trademark Office has taken the position that the previous "Sequence Listing" in computer readable form did not comply with the requirements of Section 1.825(d) because it was damaged and unreadable. Submitted herewith in connection with the above-referenced patent application is a substitute, computer readable copy of the Sequence Listing. No new matter has been added to the substitute Sequence Listing.

Applicants respectfully request the above-referenced patent application be placed upon the files for examination.

Application No.: 09/874389

Docket No.: BBI-009C3CN2

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. BBI-009C3CN2 from which the undersigned is authorized to draw.

Dated: September 15, 2003

Respectfully submitted,

By 

DeAnn F. Smith

Registration No.: 36,683

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney For Applicant



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,389	06/04/2001	Hermann Bujard	BBI-009C3CN2	5305

959 7590 08/13/2003

LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109

EXAMINER

SHUKLA, RAM R

ART UNIT PAPER NUMBER

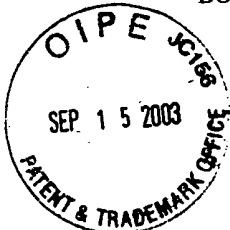
1632

DATE MAILED: 08/13/2003

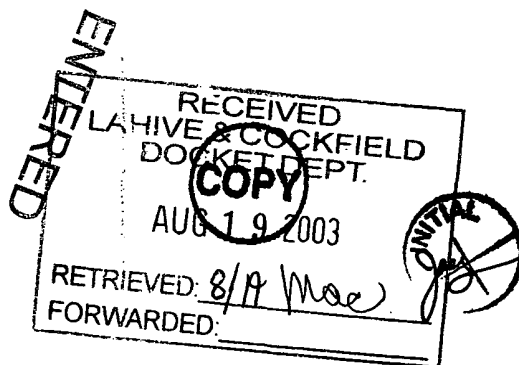
**DOCKETED**

*Sept 13, 2003 Sequences Lg & Disc*  
*Feb 13, 2004 ESPW15st*

Please find below and/or attached an Office communication concerning this application or proceeding.



PTO-90C (Rev. 07-01)



*Ad*



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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11

DATE MAILED:

**Pl ase find below and/or attached an Office communication concerning this application or  
proc ding.**

**Commissioner of Patents and Trademarks**

The reply filed 1-24-03 is not fully responsive to the Office communication mailed 12-12-02 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report.

Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. ~~EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).~~

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram R. Shukla whose telephone number is (703) 305-1677. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds, can be reached on (703) 305-4051. The fax phone number for TC 1600 is (703) 703-872-9306. Any inquiry of a general nature, formal matters or relating to the status of this application or proceeding should be directed to the William Phillips whose telephone number is (703) 305-3413.

*Ram R. Shukla*

**RAM R. SHUKLA, PH.D.  
PRIMARY EXAMINER**

Ram R. Shukla, Ph.D.  
Primary Examiner  
Art Unit: 1632